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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION	:	
CORPORATION	:	
Plaintiff-Applicant,	:	Adv. Pro. No.: 08-01789 (SMB)
	:	
v.	:	SIPA LIQUIDATION
	:	
	:	(Substantively Consolidated)
BERNARD L. MADOFF INVESTMENT	:	
SECURITIES LLC,	:	
Defendant.	:	
	:	
In re:	:	
	:	
BERNARD L. MADOFF,	:	
Debtor.	:	
	:	
IRVING H. PICARD, Trustee for the	:	
Liquidation of Bernard L. Madoff	:	Adv. Pro. No.: 11-02730 (SMB)
Investment Securities LLC,	:	
Plaintiff,	:	
	:	
v.	:	
	:	
ATLANTIC SECURITY	:	
BANK,	:	
Defendant.	:	
	:	

**ATLANTIC SECURITY BANK'S COUNTER-DESIGNATION OF
ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

Pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure, Atlantic Security Bank (“ASB”), by and through its undersigned counsel, respectfully submits this counter-designation of items to be included in the record on appeal with respect to the appeal by Irving H. Picard (the “Trustee”), as trustee of the substantively consolidated estate of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act (“SIPA”), 15 U.S.C. §§ 78aaa, et seq., and Bernard L. Madoff, individually, in the above captioned adversary proceeding (the “Adversary Proceeding”) of the Stipulated Final Order Granting Motion to Dismiss Complaint (the “Final Judgment”) before the United States Court of Appeals for the Second Circuit.

**COUNTER-DESIGNATION OF ITEMS TO BE
INCLUDED IN THE RECORD ON APPEAL**¹

1. All items designated or to be designated by any other appellant, cross-appellant, appellee, or cross-appellee to any of the appeals or cross-appeals from the Final Judgment, including, without limitation, the items designated in the Designation by Appellant of Items to Be Included in the Record on Appeal (ECF No. 88);²
2. The Certification of Direct Appeal to Court of Appeals (ECF. No. 90); and
3. Letter on Behalf of the Subsequent Transferee Defendants in Response to Mr. Sheehan’s Letter dated April 7, 2016 (Secs. Inv. Protection Corp. v. Bernard L. Madoff Inv. Secs., LLC, Adv. Pro. No. 08-01789 (SMB), ECF No. 13070).

¹ Each item designated shall also include any and all exhibits and documents annexed to or referenced within such item, and, as to hearing transcripts, any and all documents admitted into evidence.

² Citations to (ECF No. ____) refer to docket entries from Picard v. Atlantic Security Bank, Adv. Pro. No. 11-02730 (Bankr. S.D.N.Y.).

RESERVATION OF RIGHTS

ASB reserves the right to supplement, amend, or modify the designation of items for the record on appeal and to adopt the designation of any items designated or counter-designated by any other appellant, cross-appellant, appellee, or cross-appellee to any of the appeals or cross-appeals from the Final Judgment.

Dated: New York, New York
April 11, 2017

ARNOLD & PORTER KAYE SCHOLER LLP

By: /s/ Scott B. Schreiber

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